

# **Exhibit 1**

Mister Softee Franchise LLC  
901 E. Clements Bridge Road  
Runnemede NJ 08078

Account No:  
Invoice No:

07/17/2007  
1300-41M  
23693

Attn: James F. Conway, Jr.

Bronx Infringers 2007

Expenses

05/29/2007	Miscellaneous Expense: 1/2 of North American Investigations Invoice # IN4465	450.00
	Total Expenses	450.00
	Total Current Work	450.00
	Balance Due	<u>\$450.00</u>

A finance charge of 1.5% per month will be assessed  
on all accounts past due 30 days.

Case 1:07-cv-08628-PAC  
Mister Softee Franchise LLC  
901 E. Clements Bridge Road  
Runnemede NJ 08078

Document 25-9

Filed 04/10/2008

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Page: 1  
08/02/2007  
Account No: 1300-41M  
Invoice No: 23942

Attn: James F. Conway, Jr.

Bronx Infringers 2007

Previous Balance	\$450.00
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Fees

		Rate	Hours	
07/03/2007				
BG	Telephone with PI re: case status and additional depot investigations	210.00	0.50	105.00
07/06/2007				
JZ	Telephone with investigator re: new truck locations	350.00	0.40	140.00
07/09/2007				
BG	Correspondence with PI re: case status; discussed definite timeline for completion of first round of potential infringers	210.00	0.70	147.00
07/18/2007				
JZ	Review investigator report	350.00	0.80	280.00
07/26/2007				
BG	Telephone with PI re: 2007 infringers	210.00	0.20	42.00
	For Current Services Rendered		2.60	714.00
	Total Current Work			714.00

Payments

Total Payments for 07/30/2007	-450.00
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Balance Due	<u>\$714.00</u>
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A finance charge of 1.5% per month will be assessed on all accounts past due 30 days.

Mister Softee Franchise LLC  
901 E. Clements Bridge Road  
Runnemede NJ 08078Account No:  
Invoice No:

Attn: James F. Conway, Jr.

## Bronx Infringers 2007

Previous Balance \$714.00

Fees

		Rate	Hours	
08/03/2007	JZ			
	Review results of investigation	350.00	0.40	140.00
08/06/2007	BG			
	Review of all infringing trucks; created table with truck number, license number, driver/operator and infringing marks on each truck.	210.00	1.20	252.00
	DA	240.00	0.40	96.00
	Conference with BG re: Complaint; conference with JZ			
08/07/2007	BG			
	Prepare 2007 infringement complaint.	210.00	1.50	315.00
08/08/2007	BG			
	Prepare 2007 infringement complaint.	210.00	0.90	189.00
08/13/2007	BG			
	Draft complaint.	210.00	2.30	483.00
	DA			
	Conference with BG			
	Review infringe photos	240.00	0.90	216.00
08/14/2007	BG			
	Draft complaint and integrate exhibits.	210.00	1.30	273.00
08/16/2007	JZ			
	Revise Complaint; telephone with P.B. re: SPABO as plaintiff.	350.00	0.50	175.00
	BG	210.00	0.70	147.00
	Amend complaint and prep. for filing.			
08/20/2007	BG			
	Telephone. with depot manager, re: status as plaintiff in 2007 infringement case.	210.00	0.20	42.00
08/22/2007	BG			
	Draft of complaint and exhibits.	210.00	2.00	420.00
08/23/2007	BG			
	Finish draft of complaint, organize exhibits.	210.00	2.10	441.00
08/24/2007	PC			
	Prepare Complaint	285.00	2.00	570.00
08/27/2007	BG			
	Draft summons for 6 defendants			
	Prepare complaint for filing	210.00	0.80	168.00

Account No:  
Invoice No:

Bronx Infringers 2007

		Rate	Hours	
08/31/2007				
JZ	Finalize Complaint	350.00	1.00	350.00
BG	Finalize complaints for filing;Telephoned local counsel, re: ECF and filing procedures;Contact document technologies to scan exhibits for filing;Create civil cover sheets and addendums thereto.	210.00	0.80	168.00
	For Current Services Rendered		19.00	4,445.00
	<u>Expenses</u>			
08/24/2007	Photocopy Charges: Document Technologies, Inc.-Invoice#343446			1,494.26
08/31/2007	Photocopy Charges: Document Technologies, Inc.			11.24
	Total Expenses			1,505.50
	Total Current Work			5,950.50
	Balance Due			<u>\$6,664.50</u>

A finance charge of 1.5% per month will be assessed  
on all accounts past due 30 days.

Mister Softee Franchise LLC  
901 E. Clements Bridge Road  
Runnemede NJ 08078

Page: 1  
10/04/2007  
Account No: 1300-41M  
Invoice No: 24471

Attn: James F. Conway, Jr.

Bronx Infringers 2007

Previous Balance \$6,664.50

Fees

		Rate	Hours	
09/06/2007				
BG	Draft motion for preliminary injunction.	210.00	1.90	399.00
09/07/2007				
BG	Draft motion for preliminary injunction.	210.00	1.00	210.00
09/10/2007				
JZ	Research re: standing issue.	350.00	0.50	175.00
BG	Draft brief in support of motion for prelim. Injunction.	210.00	2.00	420.00
09/24/2007				
BG	Draft motion for prelim. Injunction and brief in support thereof.	210.00	0.80	168.00
09/28/2007				
JZ	Attention to filing and service.	350.00	0.50	175.00
	For Current Services Rendered		6.70	1,547.00

Expenses

08/22/2007	Online Legal Research: West Payment Center -Invoice# 814352309	5.13
08/31/2007	Overnight Delivery/Messenger Services: Federal Express -Invoice# 2-245-82840	8.44
08/31/2007	Online Legal Research: West Payment Center -Invoice# 814352309	28.40
	Total Expenses	41.97

Total Current Work 1,588.97

Balance Due \$8,253.47

A finance charge of 1.5% per month will be assessed  
on all accounts past due 30 days.

Attn: James F. Conway, Jr.

Bronx Infringers 2007

Previous Balance

\$8,253.47

Fees

			Rate	Hours	
10/02/2007	BG	revise complaint and other materials for local counsel; prepare instructions for filing; draft cover letter to local counsel; prepare exhibits on CD for e-filing.	210.00	1.10	231.00
10/03/2007	BG	Tele. with local counsel (2x) to ensure receipt of documents and prepare for filing.	210.00	0.60	126.00
10/04/2007	BG	Tele. with local counsel; edit summons; go through steps for filing; e-mail local counsel summons and updated cover sheet; color exhibits prepared for DTI.	210.00	1.10	231.00
10/05/2007	BG	Attach color exhibits and cover sheet to returned summons from local counsel.	210.00	0.80	168.00
10/08/2007	FR	Prepare complaints for service.	230.00	1.00	230.00
10/09/2007	JZ	Service issues.	350.00	0.50	175.00
	FR	Email correspondence with local counsel; telephone with process service.	230.00	0.20	46.00
10/16/2007	BG	Draft cover letter to Jimmy Spellarious, re: engagement of local counsel; send letter to Spellarious.	210.00	0.30	63.00
10/24/2007	BG	Email and tele. process server, re: service of E. Piedad Rivera; email to local counsel for filing.	210.00	0.30	63.00
10/25/2007	BG	Receipt of fax from process server, re: affidavits of service; tele. with process server; prepare affidavits for filing.	210.00	0.50	105.00
10/29/2007	BG	Review affidavits of service; Prepare affidavits of service for filing with local counsel; send to local counsel for e-filing; tele. with process server.	210.00	0.50	105.00
10/30/2007	JZ	Attention to service.	350.00	0.30	105.00

Bronx Infringers 2007

		Rate	Hours	
10/31/2007				
BG	Tele. with defendant E. Piedad Rivera, re: complaint and settlement.	210.00	0.30	63.00
	For Current Services Rendered		7.50	1,711.00
<u>Expenses</u>				
10/08/2007	Overnight Delivery/Messenger Services: Worldwide Express - Invoice# 605548			23.53
10/09/2007	Photocopy Charges: Document Technologies, Inc. - Invoice# 354018			2,697.68
10/10/2007	Overnight Delivery/Messenger Services: Worldwide Express - Invoice# 627112			177.08
	Total Expenses			2,898.29
	Total Current Work			4,609.29
<u>Payments</u>				
	Total Payments for 10/05/2007			-6,664.50
	Balance Due			<u>\$6,198.26</u>

A finance charge of 1.5% per month will be assessed  
 on all accounts past due 30 days.



Mister Softee Franchise LLC  
901 E. Clements Bridge Road  
Runnemede NJ 08078

Account No:

Invoice No:

12/05/2007

1300-41M

24976

Attn: James F. Conway, Jr.

## Bronx Infringers 2007

Previous Balance

\$6,198.26

Fees

Rate

Hours

11/01/2007	BG	Tele. with defendant, E. Piedad Rivera, re: settlement negotiations.	210.00	0.50	105.00
11/06/2007	BG	Review, prepare, and send affidavits of service (3) to local counsel for filing; tele. with process server, re: status; tele. and email with local counsel.	210.00	0.60	126.00
11/08/2007	BG	Draft praecipe for entry of default judgment for E. Piedad Rivera and accompanying affidavit.	210.00	1.30	273.00
11/13/2007	BG	Amend and draft entry of default judgment; draft affidavit in support thereof.	210.00	0.70	147.00
11/14/2007	BG	Draft motion for default judgment, permanent injunction and attorney's fees to file upon completion of service on defendants and 20 day notice.	210.00	2.50	525.00
11/16/2007	BG	Prepare file for DJ to take over; tele. with process server; draft memo for DJ and JZ, re: status; draft request for cert. of default (for 3 defendants);.	210.00	0.80	168.00
11/19/2007	JZ	Revise default package.	350.00	0.20	70.00
	DJ	Draft Parra Sun Defendant - request for cert. for default.	240.00	1.50	360.00
11/21/2007	DJ	Draft request for cert of default - Verdugo.	240.00	0.40	96.00
11/26/2007	DJ	Draft two requests for cert of default.	240.00	0.40	96.00
	JZ	Service issues.	350.00	0.20	70.00
11/28/2007	DJ	Review docket entries.	240.00	0.30	72.00
11/29/2007	DJ	Revise requests for cert of default; draft email with attachments for default filings.	240.00	0.70	168.00
		For Current Services Rendered		10.10	2,276.00

Bronx Infringers 2007

Total Current Work

2,276.00

Balance Due

\$8,474.26

A finance charge of 1.5% per month will be assessed  
on all accounts past due 30 days.

Case 1:07-cv-08628-PAC  
Mister Softee Franchise LLC  
901 E. Clements Bridge Road  
Runnemede NJ 08078

Document 25-9

Filed 04/10/2008

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Page: 1  
12/18/2007  
Account No: 1300-41M  
Invoice No: 25195

Attn: James F. Conway, Jr.

Bronx Infringers 2007

Previous Balance				\$8,474.26
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Fees

		Rate	Hours	
12/05/2007				
JZ	Service issues.	350.00	0.40	140.00
12/06/2007				
DJ	Organize infringers timeline; scanned in last affidavit of service; draft email to local counsel for e-filing last affidavit; review docket for SDNY.	240.00	0.50	120.00
PC	Review requests for default; conference with DJ.	285.00	0.20	57.00
12/11/2007				
DJ	Review docket report for SDNY.	240.00	0.20	48.00
12/14/2007				
DJ	Draft pro hac vice motions for JZ and PJC.	240.00	1.60	384.00
	For Current Services Rendered		2.90	749.00

Expenses

12/06/2007	Processor Fee: Ashlin Process Servers -Invoice# 10055			750.00
	Total Expenses			750.00
	Total Current Work			1,499.00

Payments

Total Payments for 12/17/2007	-8,474.26
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Balance Due	<u>\$1,499.00</u>
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A finance charge of 1.5% per month will be assessed  
on all accounts past due 30 days.

Mister Softee Franchise LLC  
901 E. Clements Bridge Road  
Runnemede NJ 08078

Account No:  
Invoice No:

Attn: James F. Conway, Jr.

Bronx Infringers 2007

Previous Balance	\$1,499.00
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Fees

		Rate	Hours	
12/26/2007				
DJ	Draft request for cert. of default-Zapata.	240.00	0.40	96.00
	For Current Services Rendered		0.40	96.00
	Total Current Work			96.00

Payments

Total Payments for 01/02/2008	-1,499.00
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Balance Due	<u>96.00</u>
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A finance charge of 1.5% per month will be assessed  
on all accounts past due 30 days.

Mister Softee Franchise LLC  
901 E. Clements Bridge Road  
Runnemede NJ 08078

Account No:  
Invoice No:

Attn: James F. Conway, Jr.

Bronx Infringers 2007

Previous Balance	\$96.00
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Fees

		Rate	Hours	
01/03/2008				
DJ	Revise Zapata request for cert of default.	240.00	0.40	96.00
01/07/2008				
DJ	Telephone with ME re: motion for judgment of default.	240.00	0.10	24.00
01/08/2008				
DJ	Draft motion for default judgment.	240.00	1.50	360.00
01/09/2008				
DJ	Draft motion for default judgment.	240.00	4.20	1,008.00
01/15/2008				
JZ	Attention to settlement of certain claims.	350.00	1.00	350.00
01/23/2008				
DJ	Correspondence with Me re: fees for motion for default.	240.00	0.20	48.00
01/24/2008				
PC	Prepare default judgment motions and supporting papers.	295.00	1.50	442.50
01/29/2008				
DJ	ECF filing of request for entry of default.	240.00	1.00	240.00
	For Current Services Rendered		9.90	2,568.50
	Total Current Work			2,568.50
	Balance Due			<u>\$2,664.50</u>

A finance charge of 1.5% per month will be assessed  
on all accounts past due 30 days.

Mister Sortes Franchise LLC  
901 E. Clements Bridge Road  
Runnemede NJ 08078

Account No:  
Invoice No:

Attn: James F. Conway, Jr.

Bronx Infringers 2007

Previous Balance	\$2,664.50
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Fees

		Rate	Hours	
02/06/2008				
DJ	Review docket entries.	240.00	0.30	72.00
02/13/2008				
DJ	Review docket entries; update pleadings binder.	240.00	0.60	144.00
02/21/2008				
DJ	Reviewed docket for cert of default entry by clerk.	240.00	0.20	48.00
	For Current Services Rendered		1.10	264.00

Expenses

01/15/2008	Online Legal Research: West Payment Center - Invoice# 815333027	3.53
	Total Expenses	3.53
	Total Current Work	267.53
	Balance Due	<u>\$2,932.03</u>

A finance charge of 1.5% per month will be assessed  
on all accounts past due 30 days.

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January 21, 2008

Guishan, Inc. and Mr. Softee Inc.  
c/o Jeffrey Zucker, Esq.  
Fisher Zucker  
21 S. 21<sup>st</sup> Street  
Philadelphia, PA 19103

Re: Guishan, Inc. and Mr. Softee Inc. vs. Arici, et al.  
Invoice No. 90166

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FOR PROFESSIONAL SERVICES RENDERED THROUGH DATE

For legal services rendered. All of the above encompassing 24.00 hours  
of attorneys and paralegals time all as per Work-In-Process report annexed.

CURRENT FEES	\$ 2,495.00
DISBURSEMENTS	\$ <u>0.00</u>
TOTAL AMOUNT DUE	\$ 2,495.00

Mister Softee

Page: 1  
 01/21/2008  
 Account No: 2124-002  
 Statement No: 1

- Arici

## FOR CURRENT SERVICES RENDERED THROUGH 01/18/08

	Hours
01/02/08	
ME Review motion; teleconference with FZ	0.50
01/09/08	
ME Review certificate of default	0.25
01/14/08	
ME Meeting with defendant; emails to co-counsel	0.25
Michael Einbinder	1.00
01/02/08	
RG Conference with ME and KS	0.25
01/14/08	
RG Conference with ME	0.25
Ross Gould	0.50
01/08/08	
AH Conference with KS; assist KS with correspondence	0.50
Alycia Huckabey	0.50
01/02/08	
KS Conference with ME; conference with RG; communicate with NYED	3.00
01/03/08	
KS Conference with ME; communicate with NYED; file documents on NYED	2.50
01/04/08	
KS Conference with ME; communicate with court; electronically file the amended complaint; correspond with counsel	2.50
01/07/08	
KS Communicate with Fisher Zucker; conference with ME; file affidavits	2.00



Mister Softee

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01/21/2008

Account No: 2124-002

Statement No: 1

- Arici

	Hours	
01/08/08		
KS Communicate with FZ; prepare documents	2.50	
01/09/08		
KS Conference with ME; correspond with FZ; communicate with the court	1.50	
01/10/08		
KS Communicate with FZ; prepare documents; file documents; serve documents; prepare copies for judge	4.50	
01/11/08		
KS Communicate with FZ; prepare courtesy copies for judge	0.75	
01/14/08		
KS Communicate with FZ; prepare courtesy copies for judge; conference with ME and RG; online research	1.50	
01/16/08		
KS Communicate with other side re case; online research; review documents	1.25	
Kimia Sharifi	22.00	
For Current Services	24.00	2,495.00

## Recapitulation

<u>Timekeeper</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Michael Einbinder	1.00	\$445.00	\$445.00
Ross Gould	0.50	275.00	137.50
Alycia Huckabey	0.50	85.00	42.50
Kimia Sharifi	22.00	85.00	1,870.00

Total Current Billing	2,495.00
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Balance Due	<u>\$2,495.00</u>
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